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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,992	11/30/2000	Frederick J. Cooper	INTL-0457-P4-US (P4575X4)	3464

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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/726,992	Applicant(s) COOPER ET AL.	
	Examiner Thai Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 9-11, 23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels (US 2002/0048448 A1).

Regarding claim 1, Daniels discloses a method for recording audio/video signal (Figs. 1, 5(a), and 5(b)) comprising:

enabling an audio stream to be received (page 5, paragraph #0075 and page 7, paragraphs #0095 and #0096);

enabling the audio stream to be recorded on a random access storage unit (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101); and

enabling a portion of the audio stream to be retrieved from the storage unit while continuing to record the audio stream (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101).

Regarding claim 2, Daniels discloses the claimed wherein enabling an audio stream to be received includes enabling a radio broadcast to be received (page 7, paragraph #0095).

Regarding claim 9, Daniels discloses the claimed enabling the audio information to be stored as received, for playback in the sequence the information was received and allowing playback of any portion of the stored audio information while continuing to store the incoming audio information (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101).

Regarding claim 10, Daniels discloses the claimed allowing the playback of the audio information to be paused while continuing to store the incoming audio information (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101).

Regarding claim 11, Daniels discloses the claimed enabling automatic playback of a portion of said stored audio information having a predetermined duration (page 6, paragraph #0079).

Regarding claim 23, Daniels discloses a system (Figs. 1, 5(a), and 5(b)) comprising:

a processor (first recording means 14 and second recording means 20 of Fig. 1, page 5, paragraph #0076) ;

a random accessible memory (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101) coupled to said processor;

an audio receiver (receiving means 12 of Fig. 1, page 5, paragraph #0075) coupled to said processor; and

a storage storing instructions (controlling means 24 of Fig. 1, pages 5-6, paragraph #0077, page 6, paragraph #0078, and page 8, paragraph #0101) that enable

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the processor to record an audio stream onto said memory and to retrieve a portion of the audio stream from the memory while continuing to record the audio stream.

Regarding claim 25, Daniels discloses the claimed wherein said system includes a radio receiver (page 7, paragraph #0095).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 12-13, 20-22, 24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (US 2002/0048448 A1).

Regarding claim 12, Daniels discloses all the claimed limitations as discussed in claim 1 above except for providing the an article comprising a medium storing instructions.

It is noted that the capability of using microprocessor having ROM for controlling the recording and reproducing audio/video signal is old and well known in the art; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known microprocessor having ROM into Daniels's system in order to accurately controlling the system of Daniels or to simplify the process of controlling the system of Daniels.

Regarding claim 13, Daniels discloses the claimed radio broadcast (page 7, paragraph #0095).

Regarding claim 20, Daniels discloses the claimed to store the audio information to be stored as received, for playback in the sequence the information was received and playback any portion of the audio information while continuing to store the incoming audio information (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101).

Regarding claim 21, Daniels discloses the claimed to pause the playback of audio information while continuing to store the incoming audio information (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101).

Regarding claim 22, Daniels discloses the claimed to automatically playback a portion of said stored audio information having a predetermined duration (page 6, paragraph #0079).

Regarding claim 24, Daniels discloses all the claimed limitations as discussed above in claim 23 above except for providing an MP3 player.

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The capability of compressing and decompressing the audio signal in MP3 is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known compressing/decompressing audio using MP3 in order to increase the storage capacity of the recording medium.

Claim 26 is rejected for the same reasons as discussed in claim 24 above.

Claim 27 is rejected for the same reasons as discussed in claim 24 above.

Claim 28 is rejected for the same reasons as discussed in claim 12 above.

5. Claims 3-⁸~~7~~, 14-19, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (US 2002/0048448 A1) in view of Goldwasser et al (US 5,241,428).

Regarding claim 3, Daniels discloses all the claimed limitations as discussed in claim 1 above except for providing wherein enabling an audio stream to be recorded includes enabling the audio stream to be recorded to a hard disk drive.

Goldwasser et al also teaches the selection of the memory types similarly is within the skill of the art, and a particular implementation might involve two memory types. For example, it might be desirable to buffer a small amount of data, e.g., one compression has been performed, and then store it on a conventional "hard disk" as employed in personal computers. Use of a buffer memory would similarly simplify multiplexing of recording and playback operations to the disk.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the multiplexing of recording and playback operations to the

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disk as taught by Goldwasser et al into Daniels' system since it merely amounts to selecting an alternative equivalent recording medium.

Regarding claim 4, Daniels discloses all the claimed limitations as discussed in claim 1 above except for providing wherein enabling a portion of the audio stream to be retrieved includes enabling a portion of the audio stream to be retrieved shifted by a time delay and wherein after the time delay falls below a predetermined threshold, enabling the retrieving of a portion of the audio stream from the storage unit to be discontinued.

Goldwasser et al teaches a variable-delay video recorder having the capability of "Fast forwarding" so that the playback can catching up with the recording (col. 7, lines 55-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of fast forwarding as taught by Goldwasser et al into Daniels' system in order to reduce the playback time of the audio signal by fast forwarding the unwanted audio portion.

Regarding claim 5, Daniels discloses all the claimed limitations as discussed in claim 1 above except for providing enabling the initiation of one or more storage operations of the audio stream into a random access storage unit and enabling initiation of one or more random access reads of the audio stream from the random access storage unit, wherein the one or more stores are multiplexed with the one or more reads.

Goldwasser et al also teaches the selection of the memory types similarly is within the skill of the art, and a particular implementation might involve two memory types. For example, it might be desirable to buffer a small amount of data, e.g., one compression has been performed, and then store it on a conventional "hard disk" as employed in personal computers. Use of a buffer memory would similarly simplify multiplexing of recording and playback operations to the disk.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the multiplexing of recording and playback operations to the disk as taught by Goldwasser et al into Daniels' system since it merely amounts to selecting an alternative equivalent recording medium.

Claim 6 is rejected for the same reasons as discussed in claim 4 above.

Claim 7 is rejected for the same reasons as discussed in claim 4 above.

Regarding claim 8, Daniels discloses the claimed enabling the one or more reads to access the audio stream offset by a time delay from the audio stream being stored, the time delay being variable over time (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101).

Claim 14 is rejected for the same reasons as discussed in claim 12 and 3 above.

Claim 15 is rejected for the same reasons as discussed in claim 12 and 4 above.

Claim 16 is rejected for the same reasons as discussed in claim 12 and 5 above.

Claim 17 is rejected for the same reasons as discussed in claim 12 and 6 above.

Claim 18 is rejected for the same reasons as discussed in claim 12 and 7 above.

Claim 19 is rejected for the same reasons as discussed in claim 12 and 8 above.

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Claim 29 is rejected for the same reasons as discussed in claim 4 above.

Claim 30 is rejected for the same reasons as discussed in claim 5 above.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to an apparatus for time shifting video signal.

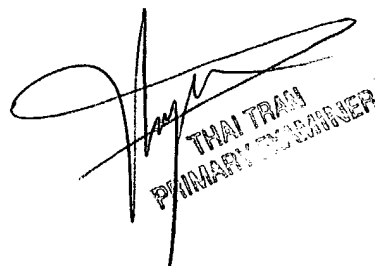
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725.

The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER